



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,707	05/24/2004	Tracey R. Thomas	03292.101970.5	3706
66569	7590	11/24/2009		
FITZPATRICK CELLA (AMEX)			EXAMINER	
1290 Avenue of the Americas			SCARITO, JOHN D	
NEW YORK, NY 10104-3800				
			ART UNIT	PAPER NUMBER
			3696	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/709,707	Applicant(s) THOMAS, TRACEY R.	
	Examiner John D. Scarito	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is Examiner's response to Applicant's amendment dated 07/27/2009 stemming from Examiner's Office Action dated 01/26/2009.

Status of the Claims

Per Applicant's response, Examiner acknowledges that Applicant amended Claims 1 & 2 and cancelled Claims 14 & 15. Despite Claims 3-7, 9 & 11-13 being previously presented, said Claims depend on amended Claim 1. As such, Claims 1-7, 9 & 11-13 are currently pending. Examiner notes Applicant's statement of record that his/her "amendments do not include new matter" [Applicant's Response, page 6, lines 9-10].

Response to Remarks/Arguments

Minor Claim Objections

Examiner withdraws his minor claim objections in the Office Action of 01/26/2009 in view of Applicant's amendments.

Statutory Grounds of Rejection

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Examiner withdraws his §112-2nd paragraph rejections in the Office Action of 01/26/2009 in view of Applicant's amendments.

Claim Rejections - 35 USC § 101

Examiner withdraws his §101 rejections in the Office Action of 01/26/2009 in view of Applicant's amendments.

Claim Rejections - 35 USC § 103

Claims 1 & 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of Non-Patent Literature document entitled "Pay Yourself First Still Works" by Jonathan Chevreau [hereinafter Chevreau] in view of Saylor et al [2004/0111370] and further in view of Davis [2004/0193491]; Claims 2-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491], as applied in Claim 1 above, and further in view of Ogilvie [6,631,358]; Claims 9, 11 & 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491], as applied in Claim 1 above, and further in view of Postrel (6,594,640); Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491], as applied in Claim 1 above, and further in view of Brose [2005/0004856]; and Claim 14 was

Art Unit: 3696

rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylors et al [2004/0111370] in view of Davis [2004/0193491], as applied in Claim 1 above, and further in view of in view of Chandak et al [2003/0105689].

First, Examiner notes Applicant's indication that his/her amended claim "clarif[ies] features of the invention not disclosed or suggested by the cited references" [Applicant's Response, page 9, lines 8-9].

Next, Applicant directs Examiner to paragraph 46 of his/her specification and indicates that his/her invention "may encourage a user to increase his or her savings by prompting the user to think of savings *first*, and further by providing recommendations for *aggressive* savings" [Applicant's Response, page 9, lines 17-20, emphasis added]. In response, Examiner fails to see an explicit definition for "user goal information" thus Applicant fails to explicitly indicate that "user goal information" as introduced in his/her claim *is at all linked to* "payments to said user savings account" (i.e. only "user debt information" is analyzed by said first computer, e.g. goal may be to pay off a debt).

Further, Examiner fails to see explicit contemplation of "prompting the user for the user goal information **before** entering user debt information, so that the user is **aggressive** in the effort to pay himself first..." or "the user is prompted to enter the user goal information **before** entering income amounts, so that the user will be **aggressive**..."

[Applicant's Specification, paragraph 46, emphasis added]. Oppositely, the claimed invention appears to only look at "user debt information" when making its

"recommendation" (i.e. recommendation is not explicitly tied to "user goals" nor are user

Art Unit: 3696

goals explicitly associated to savings) and allocating user income (i.e. more in line with thinking of “saving money based on how much they will have **after** paying bills).

Examiner respectfully asks Applicant to reassess what he/she is actually claiming versus what he/she intends to claim.

Next, Applicant attempts to rebut Examiner’s previously uncontested assertion that “most debt management plans ultimately aim, in the long run, to minimize debt payments and maximize savings” [Office Action of 01/26/2009, page 14, lines 10-12]. Here, Examiner points Applicant to the new grounds of rejection that follow (i.e. Applicant's amendment indicating minimizing “current” payments changes the claim scope, e.g. no longer reads on minimizing payments in the long-term under a broadest reasonable interpretation).

Aside, Examiner notes Applicant’s acknowledgment that “over the long term the most often-used strategy is to make payments on a debt that minimize interest and penalties paid on the debt” [Applicant's Response, page 10, lines 13-15]. Here, Applicant implies it counter-intuitive for one to intentionally minimize debt payments, which would increase penalties paid, if the required minimum payment is not met, and increase interest charged. [see also, Applicant's Response, page 12, lines 8-10 & page 13, lines 9-10].

Here, Examiner points Applicant to the new grounds of rejection that follow which teach/suggest/motivate subordinating debt payments to promote cash on hand despite ultimate interest and penalties. (e.g. cash on hand now permits investments, i.e. investments may result in higher returns that outweigh interest and penalties, etc.).

Next, Applicant asserts that VanLeeuwen suggests “debt-payments are paid **before** money is allocated to any other purpose” [Applicant's Response, page 11, lines 14-15 &

Art Unit: 3696

page 12, lines 11-13, emphasis added], thus “suggests the complete opposite of the claimed invention” [Applicant’s Response, page 11, lines 22-23]. Here, similar to above, Examiner respectfully asks Applicant to reassess what he/she is actually claiming versus what he/she intends to claim. Examiner will not read limitations into the claims.

Although a payment hierarchy is introduced, Examiner fails to see (a) any explicit order of allocations/transfers (i.e. savings before payments) or (b) that maximization of user savings has been given any ordinal priority over minimizing user debts.

Next, Applicant asserts that Chevreau as well as the other prior art of record fall short of "providing a recommendation that minimizes current payments on user debts to payees and maximizes current payments to the user savings account" [Applicant’s Response, page 12, lines 14-18 & page 13, lines 5-7]. In response, Examiner maintains Chevreau for all that it does teach/suggest/motivate and the supporting rationales that it provides. (e.g. “pay yourself first **at least** 10%”, “idea being literally as old as the hills of Babylon”, “no matter how little [is] earned...pay yourself first...the proceeds should be invested”, pay yourself **first** as “one pillar of personal finance”, etc.).

Lastly, Examiner notes that Applicant has not argued any limitations of his/her dependent Claims nor the prior art applied to said limitations.

In sum, Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection that follow which were necessitated by Applicant’s amendments.

Response to Amendments

Minor Claim Objections

Claims 1, 3, 4, 11 & 12 are objected to because of the following informalities:

1. As per Claim 1, "said user income" lacks clear antecedent basis. Next, Examiner suggests "to provide" and "to said payees" for proper parallelism. Next, Examiner suggests "at least one of (i) said user, (ii) ~~at least one of said~~ user income sources, and (iii) ~~at least one of~~ said payees".
2. As per Claim 3, Examiner suggests "said user savings account" and "said user goals" for consistency.
3. As per Claim 4, Examiner suggests "said user savings account" for consistency.
4. As per Claims 11 & 12, similar to Claim 1 above, Examiner suggests "at least one of (i) said user, (ii) ~~at least one of~~ said user income sources, and (iii) ~~at least one of~~ said payees". Further, with respect to Claim 12, Examiner suggests "transfers said user income" for proper antecedence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-7, 9 & 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 1, Applicant refers to "said step of acquiring user income" which was cancelled via his/her amendment.

As per Claims 2-7 & 12, Applicant refers to "said transferring step" when such language was cancelled via his/her amendment. For purposes of examination, Examiner will assume that Applicant is referring to the same limitation.

As per Claim 13, Applicant refers to "said step of providing at least one recommendation" when such language was cancelled via his/her amendment. Examiner will assume that Applicant is referring to the same limitation.

As per Claims 9 & 11, said claims are rejected due to their dependence on Claim 1.

Claim Rejections - 35 USC § 103

Note: Examiner substantially repeats his previous rejections while augmenting his statements of rejection with Lahre ('938) and Hilton ('524) to teach/suggest Applicant's amended features.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of Non-Patent Literature document entitled "Pay Yourself First Still Works" by Jonathan Chevreau [hereinafter Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491], as previously applied, and further in view of Lahre et al [2003/0144938] and Hilton [2004/0143524].

As per Claim 1, VanLeeuwen ('949) teaches the method as follows:

First, VanLeeuwen ('949) teaches receiving user financial information [paragraph 25, "user is able to input personalized data"], wherein said user financial information includes user debt information related to user debts to said payees, [paragraph 25, "data input...setting up the bills

to be paid” & paragraph 10] and user goal information related to user goals [see paragraph 58, “help them reach their financial goals”];

However, VanLeeuwen (‘949) does not explicitly disclose receiving [said information]...in a first computer system from a second computer system connected to the first computer system by a network.... Regardless, Lahre (‘938) teaches receipt of user financial data at an “optimization interface” [paragraph 51 & Figure 3 i.e. first computer system] via an “Internet-based dashboard” [Id, i.e. network & second computer system]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant’s invention, to modify VanLeeuwen (‘949) to include such further limitations. One would have done so given that VanLeeuwen (‘949) contemplates user interaction with its system via a “home page” [paragraph 24, i.e. network-based transfers of data between computers].

Next, VanLeeuwen (‘949) does not explicitly disclose using said first computer system to analyze said user debt information and [to] provide a recommendation that minimizes current payments on said user debts to said payees and maximizes payments to said user savings account. Regardless, Lahre (‘938) teaches as known the process of optimizing a defined objective function to maximize a variable of interest [see paragraph 84, e.g. maximize available cash, & paragraph 5, i.e. known ability to minimize a variable of interest]. In particular, Lahre (‘938) suggests the use of its “optimization interface” to evaluate “customer financial data” which comprises “purchases (accounts payable)” to formulate “recommendations for the customer which maximize the customer’s cash inventory over a customer-defined period” [see paragraphs 50-51 & 63, i.e. analyzes user debt information when making a recommendation] where said recommendations provide for “payments for purchases on a

week-by-week basis" [paragraph 107] which maximize said customer's cash inventory.

In this vein, Hilton ('524) teaches the establishment of "a plan for payment of payment obligations in accounts payable" while satisfying "certain objectives, including maximizing [] cash on hand in [a] finance account" [Abstract. Here, Examiner considers "cash on hand in a finance account" to read on cash in a savings account under a broadest reasonable interpretation & paragraph 8, "plan to pay all or *some part of each payment obligation*"]. In particular, Hilton ('524) teaches the known relationship between payee payments and cash on hand and suggests using elements of accounts payable (e.g. penalties incurred for late payment, minimum required payment) *as a way to control one's cash on hand*. [see paragraph 6, i.e. one can control and maximize cash available by regulating payments based on payment parameters]. Here, if desired, one may even "make a certain payment later than the due date, notwithstanding the penalties...in order to prevent the COH from falling below [a] minimum threshold...." [Id, i.e. suggests maximizing COH as a priority over making payments on time]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include such further limitations. Here, Lahre ('938) suggests that entities desire cash on hand rather than being "cash-poor" [paragraph 24]. For example, "without sufficient cash, [an entity] cannot adequately pursue [] initiatives such as investment" [paragraph 25, i.e. cash savings cannot be invested]. Here, Hilton ('524) suggests the evaluation of "households" not unlike businesses [paragraph 2] and that "[a] very efficient cash flow plan...could result in savings of a significant amount of money". [paragraph 7]. Here, given that cash on hand is inversely related to payments of

cash, maximizing cash savings predictably lessens/minimizes payments being made to payees. [see Hilton ('524), paragraph 50]. Alternatively, Lahre ('938) teaches the known ability to also minimize a variable of interest if desired. [paragraph 5, i.e. two dependent objective functions to arrive at "the best solution to the equations so that cash is maximized, while fulfilling all limitations and constraints", i.e. making minimum payments as a limitation to said cash maximization]. Here, most importantly, Lahre ('938) and Hilton ('524) explicitly suggest the option of saving cash in an account as a priority over payment of obligations. [above cites].

Next, VanLeeuwen ('949) does not explicitly disclose using said first computer system to establish a payment hierarchy based at least in part on said recommendation, wherein said payment hierarchy includes at least a portion of said user income allocated to said user savings account and a portion of said user income allocated to said user debts. Regardless, VanLeeuwen ('949) teaches "a number of *automated* planning tools [to] assist a user in financial planning" [paragraph 23, emphasis added, i.e. use of a computer system]. VanLeeuwen's ('949) "debt plan...aids the user in reducing their debt *and* preparing for retirement" through "recommendations [based on] a time line" [paragraph 24, emphasis added, i.e. allocations made to debts and savings]. Here, VanLeeuwen ('949) teaches a "planned spending module" to analyze/organize "cash inflows, cash outflows" [paragraph 27] "into budget categories" [paragraph 28] where said spending module provides for not only "present spending" but also "future spending" and "a budget amount [] *is designated for* a specific category" [Id., emphasis added]. In this vein, Chevreau teaches that "one pillar of personal finance that seems to be universally accepted is the concept of "Pay Yourself First" [page 1, paragraph 5, i.e. *1926 book was "built around this not-very-secret of*

building wealth"]. In particular, Chevreau contemplates that one is a fool if he/she pays everyone but himself/herself [page 2, paragraph 2, i.e. must pay yourself in addition to payees]. Here, Chevreau's "central recommendation" is to "commit" to "pay yourself first" [page 2, paragraph 9 & page 3, first line] through "automatic deductions from your [income]. [page 3, paragraph 1, i.e. automatic cash outflow from income source before income is received for payment of bills]. Similarly, Saylor's ('370) teaches a "money management system" to automate "committed spending" [Abstract] as a means to "save" [paragraph 60] through "automatic payroll deductions" [paragraph 10]. Further, "the customer is allowed to *decide the priority of his deductions* [and] certain payments may be designated as *priority payments* [paragraph 69, emphasis added, i.e. suggests the establishment of ordinal/hierarchical relationships amongst allotments]. Further, if there are insufficient funds available, said customer may indicate "whether a partial payment or no payment should be made toward [a] deduction" [Id.]. Within this backdrop, VanLeeuwen ('949) generally teaches the sequencing disbursements in efforts to meet one's goals [paragraph 11, "ranking" of debts to be paid down]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include a computer established payment hierarchy recommendation including at least a portion of said user income as allocated to a savings account and a portion of said user income as allocated to user debts. One would have done so given that "pay yourself first [is an] idea [] literally as old as the hills of Babylon" [Chevreau, page 2, paragraph 9]. Further, the fact that one may be "heavily in debt" is "no excuse to delay the [pay yourself first] program" since it "critical [that] debt

repayment must proceed in parallel with saving" [Chevreau, page 3, paragraph 4].

VanLeeuwen ('949) would desire such a parallel debt reduction and savings arrangement to not only repay debt, but also to adequately prepare for "high priority future spending" and/or "retirement needs" [paragraph 29]. In particular, users would be motivated to "define monthly funding amounts" [paragraph 30] for such categories because a time line is involved (i.e. want to retire by a certain year) and "the months remaining to fund" [paragraph 36] may be inadequate to meet one's goals if money is not automatically allotted (i.e. given priority and taken out first before other expenses, etc.)

Next, VanLeeuwen ('949) does not explicitly disclose using said first computer system to transfer at least a portion of said user income, based at least in part upon said payment hierarchy, to said user savings account and [to] said payees.. Regardless, VanLeeuwen ('949) discloses an "integrated bill...payment system" where a user "authorize[s] payment" in accordance with the "planned spending budget" [see paragraphs 24, 26 & 28, i.e. use of computer system to transfer authorized amounts to planned budget categories including cash savings and debts]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include such further limitations. Here, similar to VanLeeuwen ('949), Hilton ('524) allocates a "maxim[um] cash on hand in the [its] finance account" [Abstract] by making "[p]ayments of the accounts payable in accordance with the cash flow plan" [paragraph 29].

Next, VanLeeuwen ('949) teaches providing loyalty points to **at least one of** (i) said user, (ii) at least one of said user income sources and (iii) at least one of said payees [see paragraphs 31,

“incentive to help them (e.g. users) save money” & “awards points”, parenthetical added].

However, VanLeeuwen ('949) does not explicitly disclose wherein said step of acquiring user income includes obtaining information related to user loyalty points, converting said user loyalty points to a value, and applying said value to said user savings account. Regardless, Davis ('491) teaches a method of promoting savings through the conversion of “award or loyalty points for deposit into a savings vehicle” [paragraph 2 & paragraph 27, “conversion” & paragraph 39]. Here, Davis ('491) translates these points into an “award certificate” [paragraph 25], and the “value of the certificate [may be] directed into an account specified by the [user].” [paragraph 26]. Said certificate is “purchased” by “sending the transaction information (e.g. information related to user loyalty points)” to a printing facility” [paragraph 28]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include recognition of loyalty points as “income” and acquiring their value for application to a savings account via conversion means. One would have done so given the reality of “user accrual of “tens or hundreds of thousands of loyalty points through a myriad [of] loyalty rewards programs” [Davis ('491), paragraph 3]. Uncontested by Applicant, one of skill in the art would appreciate loyalty points as merely another asset of the user which should be utilized in his/her budgeting/debt payment program. [VanLeeuwen ('949), paragraph 72, “miscellaneous sources”]. Further, VanLeeuwen ('949) supports the application of “awards points” to supplement “future savings plans.” [see paragraph 31]. Here, (1) loyalty conversion and application to a savings vehicle was known [e.g. see Davis ('491)]

Art Unit: 3696

and budgeting for savings was known [e.g. see VanLeeuwen ('949)], (2) the technical ability exists to combine these as claimed and the results of the combination are predictable, and (3) when combined, they perform the same function as they would separately.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491] in view of Ogilvie [6,631,358], as previously applied, and further in view of Lahre et al [2003/0144938] and Hilton [2004/0143524].

As per Claim 2, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen does not explicitly disclose providing loyalty points based upon said transferring step. Regardless, VanLeeuwen ('949) does disclose offering an incentive in response to "progress the user is making...on the debt reduction program." [see paragraph 31]. Here, uncontested by Applicant, Examiner previously noted that to make 'progress', it necessarily involves the transfers of value in paying off debts, etc, in line with the recommendation or hierarchy disclosed. In this vein, Ogilvie ('358) teaches a method of "directing funds on behalf of a customer to a specified account (e.g. savings) as a beneficial side effect of a transaction that is primarily directed toward another goal (e.g. paying a bill)..." [Abstract, parentheses added]. Here, per an agreement "a specified percentage of the transaction or a flat amount" is derived [see Abstract] and Ogilvie ('358) suggests that other "rewards programs" permit deposits in savings [column 1, lines 58 & 62]. Here, Examiner previously asserted, uncontested by

Applicant, that in view of Davis ('491), loyalty points are merely another type of a 'rewards program' that represents monetary value for transfer to an account. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include providing loyalty points in response to transactions (cash flows) through the transferring step. One would have done so because "it is difficult to set aside funds for savings when so many other uses compete for those funds." [Ogilvie ('358), column 1, line 25]. In addition, loyalty points would "provide the encouragement the user needs to continue on the debt reduction program" [VanLeeuwen ('949), paragraph 31]. Lastly, a transaction amount (a transferred amount) is a certain, tangible number that entities have access to and from which such incentives can be determined. (Note: See claim 3 below for the rationale of record for the extension of loyalty points to transfers to a savings account).

As per Claim 3, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose providing loyalty points based upon said transferring step, wherein said transferring step transfers said user income to said user savings in such an amount which is substantially equal to said user goal. Regardless, uncontested by Applicant, basing loyalty points on a "transfer" transaction is an obvious variant under the logic and evidence of Claim 2 above. Further, the point of the debt management method of VanLeeuwen ('949) is to reach financial goals [see paragraph 72] and accommodate "future planning" needs (i.e. savings) [see paragraph 29]. An incentive, by definition, provides motivation to conform to certain action (i.e. adhere to the plan). As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's

invention, to modify VanLeeuwen ('949) to include providing loyalty points, in response to transfers "substantially equal to said user goal" to "provide encouragement...[in] the debt reduction program" [paragraph 31].

As per Claim 4, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose providing loyalty points based upon said transferring step, wherein said transferring step transfers said user income to said user savings in substantial compliance with said payment hierarchy. Regardless, uncontested by Applicant, basing loyalty points on a "transfer" transaction is an obvious variant under the logic and evidence of Claim 2 above. Further, the debt management method of VanLeeuwen ('949) encourages adherence to a ranking/hierarchy to not only "reduce a person's overall financial debt" [see paragraph 11] but also to accommodate "anticipate[d] future spending needs" [see paragraph 29]. An incentive, by definition, provides motivation to conform to certain action (i.e. adhere to the plan). As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include providing loyalty points, in response to "said user savings" transfers "in substantial compliance with said payment hierarchy" to "provide encouragement...[in] the debt reduction program" [paragraph 31].

As per Claim 5, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose providing loyalty points based upon said transferring step, wherein said transferring step transfers said user income to said user debts in substantial compliance with said payment hierarchy. Regardless, uncontested by Applicant, basing loyalty points on a "transfer" transaction is an obvious variant under the logic and evidence of Claim 2 above. Further, the debt management method of VanLeeuwen

(‘949) encourages adherence to a ranking/hierarchy to not only “reduce a person’s overall financial debt” [see paragraph 11] but also to accommodate “anticipate[d] future spending needs” [see paragraph 29]. An incentive, by definition, provides motivation to conform to certain action (i.e. adhere to the plan). As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant’s invention, to modify VanLeeuwen (‘949) to include providing loyalty points, in response to “said user debt” transfers “in substantial compliance with said payment hierarchy” to “provide encouragement...[in] the debt reduction program” [paragraph 31].

As per Claim 6, VanLeeuwen (‘949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen (‘949) does not explicitly disclose providing loyalty points based upon said transferring step, wherein said transferring step transfers a certain amount of said user income to said user debts, wherein said certain amount is a minimum amount due for said user debts. Regardless, uncontested by Applicant, basing loyalty points on a “transfer” transaction is an obvious variant under the logic and evidence of Claim 2 above. Further, VanLeeuwen (‘949) teaches the user option of transferring a certain amount comprising the “minimum payment” for user debts. [see paragraph 45, Examiner previously asserted, uncontested by Applicant, that a system suggested payment amount could equal the minimum payment]. As such, it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention, to modify VanLeeuwen (‘949) to include providing loyalty points based on the transfer of a certain amount, comprising the minimum amount due for said user debts. One would have done so given that VanLeeuwen (‘949) specifically contemplates the option of making only the minimum payment [see paragraph 45] as well

Art Unit: 3696

as “provid[ing] encouragement” through incentives [paragraph 31]. Here, one of skill in the art would appreciate rewarding a desired action (e.g. paying a minimum amount) with loyalty points (i.e. this is the quid pro quo of incentive systems as known to even one of ordinary skill).

As per Claim 7, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose providing loyalty points based upon said transferring step occurring automatically without user approval. Regardless, uncontested by Applicant, basing loyalty points on a “transfer” transaction is an obvious variant under the logic and evidence of Claim 2 above. Here, VanLeeuwen ('949) teaches that transfers can occur without user approval. [see paragraph 26, “can be setup [sic] for manual bill approval by the user [OR] setup [sic] to forward all bills directly to a remote location for processing.”]. As such it would have been obvious to one of ordinary skill in the art, at the time of Applicant’s invention, to modify VanLeeuwen ('949) to include providing loyalty points based on the automatic transfer of money. Uncontested by Applicant, one would have done so to avoid the inefficient/costly procedures and practical delay of requesting user approval for every transaction. Here, also uncontested by Applicant, one of skill in the art would appreciate rewarding a desired action (e.g. authorizing automatic transfers) with loyalty points (i.e. this is the quid pro quo of incentive systems as known to even one of ordinary skill).

Art Unit: 3696

Claims 9, 11 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491] in view of Postrel (6,594,640), as previously applied, and further in view of Lahre et al [2003/0144938] and Hilton [2004/0143524].

As per Claim 9, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose wherein said information related to user loyalty points is maintained in a third party loyalty system. Regardless, Postrel ('640) discloses the retrieval of third party loyalty points from another system and the conversion of them to a currency value. [see column 4, lines 9-10 & 13-16 & column 6, lines 44-46]. Specifically, Postrel ('640) teaches exchanging “a number of reward points” for “consideration” [column 4, lines 13-16] with the third party, where the “consideration may be in the form of a monetary credit. [see column 6, lines 44-46]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include obtaining conversion information for the computation of the currency value of loyalty points from third party loyalty systems. One would have done so given that loyalty methods, such as VanLeeuwen ('949), contemplate the involvement of [p]artnerships with other providers or retail outlets” [VanLeeuwen ('949), paragraph 31]. Similarly, Davis ('491) contemplates users “accruing...tens or hundreds of thousands of loyalty points through a myriad of...loyalty rewards programs. [Davis ('491), paragraph 3]. Uncontested by

Art Unit: 3696

Applicant, VanLeeuwen (949) would benefit from such retrieval from third party systems through the consolidation of these 'assets' for its budgeting and debt reduction program.

As per Claim 11, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose a third party providing loyalty points to at least one of (i) said user, (ii) at least one of said user income sources and (iii) at least one of said payees. Regardless, both Postrel ('640) and Davis ('491) disclose that third parties provide loyalty points [see Postrel ('640) Abstract, "plurality of independent reward points issuing entities" & Davis ('491) paragraph 3, "myriad [of] loyalty rewards programs"]. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include a third party providing loyalty points to a user, income sources, or payees involved. Here, VanLeeuwen ('949), contemplates "partners that provide cash back (mere form of "loyalty points", given a conversion rate) on purchases a user makes." [see VanLeeuwen ('949), paragraph 32]. An incentive, by definition, provides motivation to conform to certain action. This is true, regardless of the party being encouraged. VanLeeuwen ('949) would benefit from third party loyalty points "to provide encouragement the user needs to continue on the debt reduction program" [VanLeeuwen ('949), paragraph 31].

As per Claim 12, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does not explicitly disclose a third party providing loyalty points to at least one of (i) said user, (ii) at least one of said user income sources and (iii) at least one of said payees based upon said transferring step, wherein said transferring step transfers user income to a user savings account maintained by said third party. Regardless, both Postrel ('640) and Davis ('491) disclose that third parties provide loyalty points [see Postrel ('640) Abstract, "plurality of

independent reward points issuing entities” & Davis (‘491) paragraph 3, “myriad [of] loyalty rewards programs”]. In this vein, an incentive, by definition, provides motivation to conform to certain action. This is true, regardless of the party being encouraged. Uncontested by Applicant, it is good business sense that an investor would prefer to transfer money to a savings account maintained by a third party offering loyalty point incentives over one that does not. Here, uncontested by Applicant, one of ordinary skill in the art would appreciate the motivations (e.g. use of deposited capital for liquidity, investment, etc.) a third party account holder (e.g. bank) would have to desire the transfer of funds to their held user’s savings account. As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant’s invention, to modify VanLeeuwen (‘949) to include a third party, maintaining a user savings account, providing loyalty points to another party in response to a transaction to said savings account. One would have done so given that VanLeeuwen (‘949), contemplates “partners that provide cash back (mere form of “loyalty points”, given a conversion rate) on [transactions a] user makes.” [see paragraph 32]. VanLeeuwen (‘949) would desire third party loyalty points to “encourage the user...to continue on the debt reduction program” [paragraph 31] as well as lessen the costs of offering loyalty points on the debt reduction system (e.g. offering loyalty points with currency value ultimately reduces revenues when the points are redeemed).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanLeeuwen [2002/0123949] in view of NPL [Chevreau] in view of Saylor et al [2004/0111370] in view of Davis [2004/0193491] in view of Brose [2005/0004856], as previously applied, and further in view of Lahre et al [2003/0144938] and Hilton [2004/0143524].

As per Claim 13, VanLeeuwen ('949) as modified teaches the method of Claim 1 above.

However, VanLeeuwen ('949) does explicitly disclose wherein probability modeling is used to facilitate said step of providing at least one recommendation. Regardless, Brose ('856) teaches "facilitating financial advising and planning for a user using a stochastic modeling module...integrat[ing] a user's goals, assets, savings...to facilitate analyzing and developing a customized strategy for financial [] planning of the user." [see Abstract].

As such, it would have been obvious to one of ordinary skill in the art, at the time of Applicant's invention, to modify VanLeeuwen ('949) to include probability modeling to facilitate providing at least one recommendation. One would have been motivated to do so for efficiency in assessing financial outcomes given a set of inputs. VanLeeuwen ('949) would desire probability modeling to inform users of a potential outcome given adherence to its hierarchy and terms (i.e. informed decision making).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Scarito whose telephone number is (571) 270-3448. The examiner can normally be reached on M-F (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hani Kazimi can be reached on (571) 272-6745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3696

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John D. Scarito/
Examiner, Art Unit 3696

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691